

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONALD DEAN YANDELL,

Plaintiff,

v.

DONALD WASHINGTON, et al.,

Defendants.

No. 2:21-cv-00469-DAD-AC (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND GRANTING  
DEFENDANT JONES'S MOTION TO  
DISMISS

(Doc. Nos. 33, 52)

Plaintiff Ronald Dean Yandell is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 15, 2023, the assigned magistrate judge issued findings and recommendations recommending that defendant Jones's motion to dismiss plaintiff's claim for injunctive relief as moot on grounds that plaintiff has been transferred to California State Prison and is "no longer housed in a facility run by the County" (Doc. No. 33) be granted. (Doc. No. 52 at 2.) Further, because plaintiff's claim for injunctive relief was the only claim brought against defendant Jones, the findings and recommendations recommend that defendant Jones be dismissed from this action. (*Id.* at 3.) The pending findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen

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(14) days after service. (*Id.* at 5.) No objections have been filed, and the time in which to do so has now passed.

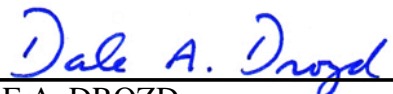
In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the findings and recommendations are supported by the record and proper analysis.

Accordingly,

1. The findings and recommendations issued on November 15, 2023 (Doc. No. 52) are adopted in full;
2. Defendant Jones's motion to dismiss plaintiff's claims for injunctive relief (Doc. No. 33) is granted;
3. Plaintiff's First Amendment free exercise claim is dismissed as moot only insofar as that claim seeks injunctive relief;
4. This case is proceeding on plaintiff's First Amendment free exercise claim against defendant Toliver only;
5. Defendant Jones is dismissed from this action;
6. The Clerk of the Court is directed to update the docket to reflect that defendant Jones has been terminated as a named defendant in this action; and
7. This action is referred back to the assigned magistrate judge for further proceedings.

IT IS SO ORDERED.

Dated: January 9, 2024

  
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DALE A. DROZD  
UNITED STATES DISTRICT JUDGE